

The Honorable Judge Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK RANDALL,

Defendant.

NO. CR09-5466RJB

ORDER TO CONTINUE
TRIAL DATE PURSUANT
TO 18 U.S.C. § 3161(H)(3)(A)

Before the Court is a Motion to Continue the Trial Date pursuant to Title 18
United States Code § 3161(h)(3)(A);

The Court finds, after a consideration of all relevant information, records, and the
circumstances of this case, that the ends of justice would best be served by the granting of
this motion to continue the trial date for one week, and that the continuance of the trial for
one week in order to obtain the availability of an essential witness outweighs the best
interest of the public and the defendant in an earlier trial date.

The Court finds that an essential government witnesses, Travis Reeves, is
physically unavailable to testify during the week of March 22, 2010, after sustaining an
injury on March 21, 2010, which will require emergency surgery on March 22, 2010, and
recovery for several days thereafter. Travis Reeves' whereabouts are known, but his
presence at trial on March 22, 2010, cannot be obtained by due diligence. The ends of
justice served by continuing the trial date one week outweigh the best interests of the
public and the Defendant in having the matter brought to trial sooner.

1 The Court finds that the governments motion to continue the trial date should be
2 GRANTED. The order setting the trial date for March 22, 2010, is VACATED. Trial
3 shall be rescheduled to April 12, 2010.

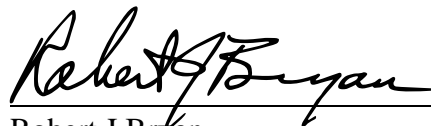
4 Any and all periods of delay resulting from the granting of this motion to continue,
5 from the date of the filing of the government's motion on March 21, 2010, until the date
6 of the rescheduled trial on April 12, 2010, shall be excludable time pursuant to Title 18,
7 United States Code, Sections 3161(h)(3)(A), and the Court makes the following findings:

8 a. That the failure to grant such a continuance in this case would be likely to
9 result in a miscarriage of justice and the ends of justice are best served by continuing the
10 trial one week, and the ends of justice served by taking this action outweigh the best
11 interest of the public and defendant in an earlier trial date, pursuant to Title 18 United
12 States Code §§ 3161(h)(3) and (7)(A) and (B);

13 b. That the failure to grant such a continuance would deny counsel for the
14 government the ability to present the testimony of an essential witness, Travis Reeves,
15 because he is unavailable pursuant to 18 United States Code §§ 3161(h)(3)(A) and his
16 presence in court cannot be obtained by due diligence because the essential witness will
17 undergo emergency surgery on the current trial date, March 22, 2010;

18 IT IS SO ORDERED.

19 DATED this 22nd day of March, 2010.

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22 Robert J Bryan
23 United States District Judge

24 s/ Johanna Vanderlee
25 JOHANNA VANDERLEE
26 Special Assistant United States Attorney
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